

AMENDED IN SENATE MAY 3, 2012
AMENDED IN SENATE APRIL 10, 2012
AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1380

Introduced by Senator Rubio
(Principal coauthor: Assembly Member Perea)

February 24, 2012

An act to amend, repeal, and add Section 21152.1 of, and to add Division 13.6 (commencing with Section 21200) to the Public Resources Code, relating to environmental quality and repeal Section 21080.20 of, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Rubio. Environmental quality: California Environmental Quality Act: bicycle transportation plan.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR.

Existing law establishes the Office of Planning and Research (OPR) in the Governor's office. Existing law requires the OPR to assist with, among other things, the orderly preparation of programs of transportation.

Existing law requires a local agency that determines that a project is not subject to CEQA pursuant to certain exemptions and approves or determines to carry out that project, to file notice of the determination with the OPR.

This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified and would also require a local agency or person who determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with the OPR.

~~Existing law establishes statutes and regulations related to numerous environmental issues.~~

~~Existing law authorizes a city, county, or city and county to prepare a bicycle transportation plan that includes specified elements.~~

~~This bill would enact the California Public Health and Environmental Standards Act and would require documentation prepared pursuant to CEQA for the bicycle transportation plan to disclose applicable environmental laws, as specified. The bill would prohibit a cause of action from being brought in a judicial proceeding alleging noncompliance with CEQA related to those applicable environmental laws.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21080.20 is added to the Public Resources
- 2 Code, to read:
- 3 21080.20. (a) This division does not apply to a bicycle
- 4 transportation plan prepared pursuant to Section 891.2 of the
- 5 Streets and Highways Code for an urbanized area for restriping
- 6 of streets and highways, bicycle parking and storage, signal timing
- 7 to improve street and highway intersection operations, and related
- 8 signage for bicycles, pedestrians, and vehicles.
- 9 (b) Prior to determining that a project is exempt pursuant to
- 10 this section, the lead agency shall do both of the following:

1 *(1) Hold noticed public hearings in areas affected by the bicycle*
2 *transportation plan to hear and respond to public comments.*
3 *Publication of the notice shall be no fewer times than required by*
4 *Section 6061 of the Government Code, by the public agency in a*
5 *newspaper of general circulation in the area affected by the*
6 *proposed project. If more than one area will be affected, the notice*
7 *shall be published in the newspaper of largest circulation from*
8 *among the newspapers of general circulation in those areas.*

9 *(2) Include measures in the bicycle transportation plan to*
10 *mitigate potential bicycle and pedestrian safety impacts.*

11 *(c) This section shall remain in effect only until January 1, 2018,*
12 *and as of that date is repealed, unless a later enacted statute, that*
13 *is enacted before January 1, 2018, deletes or extends that date.*

14 *SEC. 2. Section 21152.1 of the Public Resources Code is*
15 *amended to read:*

16 21152.1. (a) When a local agency determines that a project is
17 not subject to this division pursuant to Section 21080.20, 21159.22,
18 21159.23, or 21159.24, and it approves or determines to carry out
19 that project, the local agency or the person specified in subdivision
20 (b) or (c) of Section 21065, shall file notice of the determination
21 with the Office of Planning and Research.

22 (b) All notices filed pursuant to this section shall be available
23 for public inspection, and a list of these notices shall be posted on
24 a weekly basis in the Office of Planning and Research. Each list
25 shall remain posted for a period of 30 days.

26 (c) Failure to file the notice required by this section does not
27 affect the validity of a project.

28 (d) Nothing in this section affects the time limitations contained
29 in Section 21167.

30 *(e) This section shall remain in effect only until January 1, 2018,*
31 *and as of that date is repealed, unless a later enacted statute, that*
32 *is enacted before January 1, 2018, deletes or extends that date.*

33 *SEC. 3. Section 21152.1 is added to the Public Resources Code,*
34 *to read:*

35 21152.1. (a) When a local agency determines that a project
36 is not subject to this division pursuant to Section 21159.22,
37 21159.23, or 21159.24, and it approves or determines to carry out
38 that project, the local agency or the person specified in subdivision
39 (b) or (c) of Section 21065 shall file notice of the determination
40 with the Office of Planning and Research.

1 (b) All notices filed pursuant to this section shall be available
2 for public inspection, and a list of these notices shall be posted on
3 a weekly basis in the Office of Planning and Research. Each list
4 shall remain posted for a period of 30 days.

5 (c) Failure to file the notice required by this section does not
6 affect the validity of a project.

7 (d) Nothing in this section affects the time limitations contained
8 in Section 21167.

9 (e) This section shall become operative on January 1, 2018.

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12 **All matter omitted in this version of the bill**
13 **appears in the bill as amended in the**
14 **Senate, April 10, 2012. (JR11)**
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